S.B.Cr.Misc. Bail App. No. 2937/2007
(Hemnath and Ors. Vs. State of Rajasthan)

Date of order : 17/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Sandeep Mehta for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned.

Learned counsel for the petitioners does not want to press the bail application filed by petitioners No. 1 and 2. The bail application filed by petitioners No.1 Hemnath and No. 2 Premnath under Section 439 Cr.P.C. is therefore, dismissed as not pressed.

However, looking to the facts and circumstances of the case and the facts that petitioner No.3 Kanhaiya Nath was not armed with any weapon and allegation against him at best is that he inflicted injury by kicks and fists, no such injury appears in the injuries suffered by the injured who subsequently died, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner No.3 on bail.

Accordingly, this bail application filed by petitioner No.3 under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner No.3 Kanhaiya Nath S/o Rawat Nath be released on bail in FIR No. 59/07 P.S. Sojat Road, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs.

10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP